EXTENSIONS OF REMARKS

PROVIDING FOR EXCEPTION TO LIMITATION AGAINST APPOINTMENT OF PERSONS AS SECRETARY OF DEFENSE WITHIN SEVEN YEARS OF RELIEF FROM ACTIVE DUTY

SPEECH OF

HON. STEPHANIE N. MURPHY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 13, 2017

Mrs. MURPHY of Florida. Mr. Speaker, I rise—reluctantly—in opposition to S. 84.

There is a federal law, enacted as part of the National Security Act of 1947, providing that the Secretary of Defense shall be ''appointed from civilian life by the President.'' Originally, the law provided that the individual being considered for appointment to this position cannot have served as a commissioned officer in a regular component of the military within 10 years of his appointment as Secretary. In 2008, Congress amended the law from 10 years to seven years.

The law, which is rooted in the deeply American principle that civilians should exercise control over the military, does not provide for any waivers or exceptions. In the 70 years that this statutory restriction has been on the books, Congress has only once enacted legislation to suspend the restriction. In September 1950, in the first year of the Korean War, Congress—acting at the behest of President Truman—approved legislation to suspend the provision in order to enable General George Marshall, at the time an active-duty member of the military, to serve as Secretary of Defense. The 1950 law providing for the suspension referenced General Marshall by name and expressed the sense of Congress that ''after General Marshall leaves the office of Secretary of Defense, no additional appointments of military men to that office shall be approved.''

This Congress is now being asked to provide a second exemption. President-elect Trump has nominated former General James Mattis—who was, by nearly all accounts, one of the nation's most distinguished and capable military officers, inspiring loyalty from the men and women under his command—to serve as Secretary of Defense. Because General Mattis retired from active service within the last seven years, Congress must enact legislation suspending applicable law in order for General Mattis to become Secretary.

While the Constitution gives the Senate the sole power to confirm presidential nominees, we are not talking simply about a confirmation process here. To the contrary, we are also dealing the enactment of significant, potentially precedent-setting legislation. That means that both the Senate and the House must approve the bill authorizing the exception before it is sent to the president for signature. It is up to each chamber to determine whether General Mattis is uniquely qualified to serve as Secretary of Defense, such that legislation suspending generally applicable law would be warranted.

General Mattis testified before the Senate Armed Services Committee, and was fully prepared to testify before the House Armed Services Committee. However, despite General Mattis' willingness to appear before the House Armed Services Committee, the president-elect's transition team declined to make him available to testify.

This decision is difficult to fathom, and strikes me as an unforced error. It is highly likely that, were General Mattis to testify, the House Armed Services Committee would conclude in bipartisan fashion that approving legislation granting an exception to General Mattis is appropriate. I, personally, would be likely to support an exception, in light of General Mattis's impeccable record of service.

But I cannot in good conscience support legislation granting an exemption without the House Armed Services Committee having had the opportunity to speak with General Mattis, to ask him about his views on civilian-military relations and other issues related to our national defense, and to take the full measure of the man. To reiterate, based on everything I know about General Mattis, he would have passed this test with flying colors.

We are a nation of laws. We abide by those laws whether they are convenient or not. Federal law, in place for many decades, prohibits a former military officer within seven years of his departure from active military service from being appointed as Secretary of Defense. We can debate whether this law should be modified, but unless and until it is, it remains the law. Congress can, as it has on one previous occasion, enact legislation to suspend this law. As long as the law remains on the books, it stands to reason that exceptions to the law should be granted only in exceptional circumstances, where the individual to be appointed is uniquely qualified in light of all the circumstances. The House Armed Services Committee cannot reasonably be expected to make such a determination without at least having had an opportunity to pose questions to that individual.

My hope is that the president-elect's transition team would reconsider its decision not to authorize General Mattis to testify before the House Armed Services Committee, that General Mattis would so testify (as he is prepared to do), and that the Committee would act expeditiously on legislation to exempt General Mattis—and Mr. Mattis alone, which the broadly-worded legislation before us does not do—from generally applicable federal law.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 2017

Ms. LEE. Mr. Speaker, if I were present, I would have voted no on roll call number 32 on the motion on ordering the previous question to H. Res. 40.

If I were present, I would have voted no on roll call number 33 to H. Res. 40.

If I were present, I would have voted yes on roll call number 34 to H.R. 39.

TRIBUTE TO MARLENE JOHNSON-ODOM

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 2017

Ms. MOORE. Mr. Speaker, I rise today to pay tribute to my friend Marlene Johnson-Odom. She served as alderwoman on the City of Milwaukee Common Council for the sixth aldermanic district for more than 24 years. Ms. Johnson-Odom passed away on January 9, 2017.

Marlene Johnson-Odom was a lifelong Milwaukee resident. She was a product of the public school system and a fellow graduate of North Division High School. Marlene received a Bachelor of Science degree from the University of Wisconsin-Milwaukee.

Prior to becoming an elected official, Ms. Johnson-Odom worked for Milwaukee Public Schools and was TV Hostess at Channel 18, a local television station. Ms. Johnson-Odom succeeded her first husband Ben Johnson on the Common Council and was known as a quiet but effective leader. While serving on the Common Council, one of the achievements of which she was most proud was the renaming of 3rd Street to Martin Luther King Drive. Always approachable, Marlene provided outstanding service to her constituents.

Ms. Johnson-Odom was always extremely involved in the community and served on numerous boards and commissions including: Milwaukee Area Technical College Board, United Way Board of Directors, Black Women's Network and Pabst Theater Board.

Ms. Johnson-Odom leaves behind 3 children: Jan Johnson Carlyle, Paula Darling and Jay Johnson, 2 grandchildren: Amber Brown and Ellis Johnson, 8 great-grandchildren and a host of other relatives and friends to mourn her passing. She leaves a strong legacy of leadership for her children and grandchildren to model.

Mr. Speaker, Marlene was my friend and a Milwaukee and Wisconsin treasure and I valued her service to the 4th Congressional District. I urge you and my colleagues in the U.S. House of Representatives to join me in a salute to the late Marlene Johnson-Odom.